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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,

13 Case No.: 2:20-mj-00358-EJY

14 Plaintiff,

15 **STIPULATION TO CONTINUE**
16 **BENCH TRIAL**

17 v.
18 JORGE ABRAHAM LOMELI-LOPEZ,

19 (First Request)

20 Defendant.

21

22 IT IS HEREBY STIPULATED AND AGREED by and between Christopher C.
23 Chiou, Acting United States Attorney, and Rachel Kent, Assistant United States Attorney,
24 counsel for the United States of America, and Todd M. Leventhal, Esq., counsel for Jorge
25 Abraham Lomeli-Lopez, that the Bench Trial currently scheduled for October 20, 2021 at
26 9:00 a.m. be vacated and set to a date and time convenient to this Court, but no sooner than
ninety (60) days.

27 The Stipulation is entered into for the following reasons:

- 28 1. The defendant is out of custody and does not object to the continuance.
29 2. The parties agree to the continuance.

1 3. The requested time is not for purposes of delay. Mr. Leventhal has been
2 preparing for a state murder trial and needs additional time to review the plea agreement with
3 Mr. Lomeli-Lopez.

4 4. Additionally, denial of the continuance could result in a miscarriage of justice.
5 The additional time is excludable in computing the time within which the trial must
6 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
7 outlined in §3161(h)(7)(B)(i), (iv).

8 This is the first stipulation to continue the Bench Trial.
9

10 DATED: October 19, 2021.

11 Submitted By: LEVENTHAL & ASSOCIATES, PLLC
12

13 By /s/ Todd M Leventhal
14 TODD M. LEVENTHAL
15 Counsel for Defendant

16 By /s/ Rachel Kent
17 RACHEL KENT
18 Assistant United States Attorney

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Counsel for Jorge Abraham Lomeli-Lopez

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE ABRAHAM LOMELI-LOPEZ,

Defendant.

Case No.: 2:20-mj-00358-EJY

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing therefore, the

Court finds that:

1. The defendant is out of custody and does not object to the continuance.
2. The parties agree to the continuance.
3. The requested time is not for purposes of delay. Mr. Leventhal has been preparing for a state murder trial and needs additional time to review the plea agreement with Mr. Lomeli-Lopez.
4. Additionally, denial of the continuance could result in a miscarriage of justice.

1 The additional time is excludable in computing the time within which the trial must
2 commence under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) based on the factors
3 outlined in §3161(h)(7)(B)(i), (iv).

4

5 **CONCLUSIONS OF LAW**

6 The ends of justice served by granting the requested continuance outweigh the best
7 interest of the public and the defendant in a speedy trial because the failure to grant it would
8 likely result in a miscarriage of justice. This continuance is excludable under the Speedy
9 Trial Act, Title 18 U.S.C. § 3161 (h)(7)(A) based on the factors outlined in §161(h)(7)(B)(i),
10 (iv).
11

12 **ORDER**

13 IT IS FURTHER ORDERED that the Bench Trial currently scheduled for October
14 20, 2021 at the hour of 9:00 a.m., is vacated and continued to December 29, 2021 at the hour
15 of 9:00 a.m., in Courtroom 3D.

16 DATED this 20th day of October 2021.
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18 BY: Elayna J. Youchah
19 HONORABLE ELAYNA J YOUCRAH
20 United States Magistrate Judge
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